

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

73716
(Inmate Number)

Equan Anwar Jones
(Name of Plaintiff)

Dauphin County Prison, 501 Mall
(Address of Plaintiff)

Road HBG, Pa 17111

vs.

Dominick DeRose et al.,

Tim Good, in both individual &

official capacities - Both defendants
(Names of Defendants)

3:12-CV-570
(Case Number)

COMPLAINT

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Equan Anwar Jones v. The City of Philadelphia
(Prison Overcrowding Cases) Civil Action Number 11-3711
And all member cases. I was included on the case in
2010. Judicial Officer unknown.

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not _____

- C. Is the grievance process completed? ☐ Yes ☒ No

I. Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure. The court has supplemental jurisdiction over plaintiff's state law claims under 28 U.S.C. Section 1367.
2. The Middle District of Pennsylvania is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiffs

3. Equan Anwar Jones, is and was at all times mentioned herein a prisoner of the city of Harrisburg, in the custody of the Dauphin County Prison in Harrisburg, Pennsylvania.
4. Bradley James Gwin, is and was at all times mentioned herein a prisoner of the city of Harrisburg, in the custody of the Dauphin County Prison in Harrisburg, Pennsylvania.

III. Defendants

1) Dominick DeRose:

5) Dominick DeRose is and has been throughout this whole ordeal the warden of Dauphin County Prison. He is responsible for the policy that to this date is responsible for continuing to violate our First & Eighth Amendment Rights. This policy states that our only places we can wear religious attire is in our cells or at religious services. And also an unwritten rule that bans the Noble Quran from this institution. He is legally responsible for the operation of Dauphin County Prison and for the welfare of all the inmates in this prison.

Tim Good:

6) Tim Good is and at the time of my whole ordeal under information and belief was a lieutenant and the Policy Compliance Officer. He is the one that makes sure all rules and regulations and policies are followed to the letter. He condones and enforces the rules that are violating my brothers, my sisters and my First & Eighth Amendment Rights.

7. Each defendant is sued individually and in his official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant Dominick DeRose is employed
as Warden at Dauphin County Prison
- B. Additional defendants Tim Good, Lieutenant, Policy Compliance
Officer at Dauphin County Prison

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. The muslim female inmates are being deprived of
their right to cover their hair in front of men
other than male family members. They are only
allowed to wear their khimars (head covering) in their cells
and at religious services.
2. I have provided as Exhibits D & E two different places
in the Quran that the jail is forcing the muslim community
to use against our preference where our Lord ALLAH
has commanded the women, the believing women to cover
themselves
3. When I came to Dauphin County on writ from Montg-
omery County I had my Noble Qur'an with me and I
was told that the jail doesn't allow it in here. It was left
in my property bag until I was discharged.

IV. Statement of Claim Cont'd.

4. My mother sent me another book in the manner we are instructed to in the "Inmate Handbook" and it was sent back to the store with no notification to me or her.

5. It is incumbent upon the muslim man to attend Jum'ah. It is told to us by the jail to address them and the Chaplain and provisions will be made on an individual basis.

6. It is incumbent upon (male & female) to perform fitrah (hygiene shaving the underarms, privates and clipping the finger and toe nails). Why can't the C.O.'s bring disposable razors to the block, give us 30 min. to complete these duties at the same time they monitor us for haircuts?

7. I have read the "Inmate Handbook" of Dauphin County Prison of which Dominick Deroses' "Warden's Message" is the first issue at hand as soon as you open it. He is the one "upon information & belief" that has put these rules into play and expects us inmates to follow them. These rules violate our First & Eighth Amendment rights. There are 3 1/2 pages full of misconducts that we face if we don't follow them.

8. Tim Good is the Policy Compliance Officer and a Lieutenant that enforces these rules in the "Inmate Handbook" that violate our First & Eighth Amendment rights. To this date he has yet to contact me about these issues and day by day we are

irreparably being harmed. Our women must be covered, we must shave and be allowed to attend Jum'ah. I have provided as Exhibit A the rules of the "Inmate Handbook" that apply to these issues. Along with my grievance and the decision as Exhibits B & C.

Exhaustion of Legal Remedies

9. Plaintiffs Equan Anwar Jones, Bradley James Gwin used the prisoner grievance procedure available at Dauphin County Prison to try and solve the problem. On 2.8.12 plaintiff Equan Anwar Jones presented the facts relating to this complaint. On 3.6.12 plaintiff Equan Anwar Jones was sent a response saying that the grievance had been denied. On 3.9.12 he appealed the denial of the grievance.

Legal Claims

10. Plaintiffs reallege and incorporate by reference paragraphs 1-9.

11. The constant denial of our women being able to cover, us being able to wear the kufi and shave our private parts & underarms and use the Noble Qur'aan violates plaintiff's Equan Anwar Jones & Bradley James Gwin's et al., rights (First & Eighth) Amendments. It proved cruel and unusual punishment and prohibits the free exercise of religion. Along with the denial of Jum'ah for those of us in Protective Custody and on working blocks which is constituted by the violations of our First & Eighth Amendments of the United States Constitution.

12. The plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiffs have been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiffs seek.

VI Prayer for Relief

WHEREFORE, plaintiffs respectfully pray that this court enter judgment granting plaintiffs:

1. A declaration that the acts and omissions described herein violated plaintiffs' rights under the Constitution and laws of the United States.
2. A preliminary and permanent injunction ordering defendants ¹ Dominick DeRose and Tim Good to change the policy in the jail to allow all islamic literature into the jail as long as it is sent in the correct manner. To allow the muslim women to wear their khimars everywhere in the jail and the men to wear the kufi along with allowing the Noble Quran into the jail without prejudice.
3. To apply the needed amount of staff to supervise disposable razors to be used for the performance of Ritrab when haircuts are given.

4. For a budget to be given (whatever the court deems necessary) to us to purchase islamic literature decided by the muslim community,

5. And lastly to place a notification on every block in the jail that our demands have been met temporarily and that the court is deciding our case. That until the decision of the court is granted we have the rights of what we are searching.

6. Compensatory Damages in the amount of \$30,000 and whatever the court thinks is appropriate for our pain and having been oppressed for so long. Against each defendant jointly and severally.

7. Punitive Damages in whatever amount the court deems an appropriate amount would be for us being made a mockery of, compared to other religious classes in the jail and the way they have responded to our grievances as if they weren't valid. They stopped us from worshipping our Lord correctly. We will never get those lost prayers back. They were deliberately indifferent by ignoring our pleas. Our women have been humiliated and violated by I don't know how many men. Please punish them.

8. A jury trial on all issues triable by jury

9. Plaintiff's costs in this suit

10. Any additional relief this court deems just, proper and equitable.

Dated: 3.12.12

Respectfully submitted,

Equan Anwar Jones

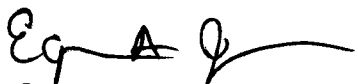
Bradly James Gwin

Dauphin County Prison 501 Mall Road HBG, PA 17111

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed @ Harrisburg, Pennsylvania on 3.12.12



Equan Anwar Jones

Bradly James Gwin

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you **DO NOT** have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. ____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. ____

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

NAME Eamon Jones
D.C.P. # 173116
DAUPHIN COUNTY PRISON
501 MAZEL ROAD
HARRISBURGH, PA. 17111

RECEIVED
SCRANTON

MAR 8 2012

PER [Signature]
DEPUTY CLERK

1 of 2

Harrisburg, PA 171
MAR 27 2012 PM



Office of the Clerk

United States District Court
Middle District of Pennsylvania
William J. Nealon Federal Bldg. & US Courthouse
235 North Washington Avenue P.O. Box 1148
Scranton, PA 18501-1148

Official Business